Cleaveland, in New Haven, Hands Down a Long Decision in the Philo S. Bennett Case.

SAYS SEALED LETTER

Former Presidential Candidate Appeal the Case and Keep Up Legal Fight for the \$50,000, His Counsel Says.

NEW HAVEN, Conn., Nov. 6 .- Judge Livingston W. Cleaveland, of the Probate Court, handed down a decision toto William Jennings Bryan was not part of the will. The effect of this is to present Mr. Bryan from obtaining the Edward L Wentz made many enemies

were Mills Jewings Bryan was not park of the will. The effect of this is to prevent Mr. Bryan from obtaining the money mentioned in the letter unless among the rough mountaineers who from the present decision is reversed by, a higher court, or unless he should be successful in legal proceedings against Mrs. Bennett. Clause 12 of the will reads as follows:

"I give and bequeath unto my wife.

"Take Image. Not more than twenty witnesses a mount of the decision of the Court of Appellate Division to have an early pending the decision of the Court of Appellate Division to have an early pending the decision of the Court of Appellate Division to have an early pending the decision of the Court of Appellate Division to have an early pending the decision of the Court of Appellate Division to have an early pending the decision of the Court of Appellate Division to have an early pending the decision of the Court of Appellate Division to have an early pending the decision of the Court of Appellate Division to have an early pending the decision of the Court of Appellate Division to have an early pending the decision of the Court of Appellate Division to have an early pending the decision of the Court of Appellate Division to have an early pending the decision of the Court of Appellate Division to have an early pending the decision of the Court of Appellate Division to have an early pending the decision of the Court of Appellate Division to have an early pending the decision of the Court of Appellate Division to have an early pending the decision of the Court of Appellate Division to have an early the Appellate Division to the Appellate Division that the charges had not been an order from the Chancellor which makes a precedent by taking a case from a Vice-Chancel

Neither Mrs. Bennett, who had announced her intention of contesting the bequest to Mr. Bryan, nor Mr. Bryan was in court.

Mrs. Bennett has not appeared at any the decision of Judge Cleveland.

Judge Henry Stoddard, counsel for Mrs. Bennett, who was charged by Mr. Bryan with instigating the contest be cause of his political antagonism to Mr. Bryan, was in court when the decision was given. Mr. Bryan was represented by his counsel, Henry G. Newton, of ing man.

this city, and Harrison Hewitt. The decision was 2,800 words in length and considered the legal phases of the contest principally bearing on the ques-

to Mr. Bryan was to be distributed by The stranger refused to give any him among colleges for prizes for essays on government. The \$50,000 according to the sealed instructions was to so \$10,000 to Mrs. Bryan, \$15,000 to the Bryan children and \$25,000 to Mr. Bryan to use personally or distribute for charitable and educational purposes as he saw fit.

The Judge's Decision.

any of his heirs at law, and made ample ville and Nashville train for Esserville provision for the support of his wife. Va. At Esserville he secured a horse Taking the total amount of the specific and rode off into the recesses of Stony

Provision for the support of his wife.

Taking the total amount of the specific legacies in connection with his estimate of the residue as expressed in the sealed letter, he evidently thought he was giving alse wife \$100,000 or more, absolutely, out of an estate which he apparently thought would approximate \$300,000. The Bryans were not the only legaces outside of the widow and his helrs at law, but the testator, besides making liberal public and charitable bequeste, made generous provision for relatives who would have received nothing but for the will.

"Measured by Mr. Bennett's devotion to Mr. Bryan and to the principles for which both had contended, the bequest of \$30,000 to the Bryans, to take effect after the testator's death, does not seem more unusual than the gift of \$3,000 of fered to Mr. Bryan while they were comparative strangers and actually paid during Mr. Bennett's life, he Court mas that neither the twelfth clause of the will, nor the letter therein referred to, was procured by undue influence. The other question to be considered is whether the letter contained in a sealed envelope, and referred to it in the twelfth clause of the will.

"Was the letter in the sealed envelope, and referred to it in the twelfth clause of the will." This question is answered by the first sentence of the letter liself. It reads: 'In my will, just executed I have bequeathed to you, &c.' Letter Febliowed the Will.

"There is no ambiguity about the mean-

There is no ambiguity about the meaning of these words. They say, if they say anything, that the letter was not in existence until after the will was executed! It is not necessary to inquire how the obvious meaning of these words would have been affected if the evidence had been offered to indicate that the scaled letter was in fact prepared before the execution of the will, because no such, evidence was offered. True, the tpoweritten draft was prepared in Nebraska two or three days before the execution of the will, and is still in existence; but it was found in a safe in the store of Bennett Sloan & Co. after the testator's death, and not with the will which was found in a saie deposit box of the Merchants' Safe Deposit Company, in which box was also found the scaled envelope. This typewritten draft was not designed to be the letter to be referred to in the will and gannot be considered as such. Letter Followed the Will.

Sealed Letter Rejected.

sealed Letter Rejected.

In view of the plain recital in the process of the proce

\$100,000 RANSOM TOBACCO CASE IS FOR E.L. WENTZ TAKEN FROM PITNEY

Bandits Demand that Sum to Release Abducted Millionaire, Who Is Now Their Prisoner in the Mountains of Virginia.

BRISTOL, Tenn., Nov. 6 - It is nov known that Edward L. Wentz, the miss WAS NOT PART OF IT. ing son of the Pennsylvania millionaire. has been kidnapped and is being held

The story of the kidnapping of Wentz

Europe or modern Bulgaria. That such lief, and yet the relatives of the missing day in the Philo S. Bennett will case, and will undoubtedly agree to the stipuholding that the secret letter directing lations of the kidnappers that no attempt to arrest them, shall be made or

of which \$50,000 was to be distributed in found grazing on the road by a moun-secordance with instructions in a sealed tain boy. The bridle had been tied up letter filed with the will. The will was so the horse would not step on it, and drawn at Mr. Bryan's home and type- the missing man's coat was tied to the

doned mines in the mountains.

The Sheriff organized posses and the of the hearings, and Mr. Bryan sent word that he would reach this city at squads of one from the mines to search word that he would reach this city at squads of men from the mines to search 4 P. M. to-day, when he will receive for the missing man and hardly a foot the decision of Judge Cleveland. of the mountain was left unexplored. The underbrush was beaten, the rivers and lakes were dragged and tested with dynamite, and men clambered in and out of every hole known on the mountains, but without finding a trace of the miss-

Kidnapper Appears.

Finally, after weeks of painful sus pense on the part of the relatives and friends, a well-dressed man rode into tion of whether or not the sealed letter Big Stone Gap, and inquired for the granting the bequest of Mr. Bryan could be legally considered a part of S. Wentz, D. B. Wentz, and the chief he will.

In the will-the first bequest of \$30,000 search has been made.

proposition for ransom would then be Judge Cleaveland in his decision says: considered. The stranger promised to "Mr. Bennett did not in his will forget do so, and that night left on a Louis-

terien 7

Precedent Established in Court Fight Over the Universal Com pany, One Chancellor Acting Against Another.

(Special to The Evening World.) TRENTON, N. J., Nov. 6.—The filing f a memorandum by Chancellor Magle o-day in the Court of Chancery in the against the Universal Tobacco Company emoves the further consideration of day.

to Vice-Chancellor Reed. made application before Vice Chancellor

to produce the books of the latter company for the inspection of McAlpin and others. Judge Packham, Jamess W. Osborn

jected to the order and their objections

JUSTICE BOLTE

Hearing of Charges of Misconduct in Office Preferred by District-Attorney Jerome, Re-

case of Alexander McAlpin and others a citizen was resumed before Referee W. H. Willis at No. 115 Broadway to

Defense Decided On.

After a prosecution, conducted by Deputy Assistant District-Attorney Ise and Attorney-General McCarter ob- lin, beginning Aug. 15 and ending Oct. were so strenuous, that the remarks Justice Bolte, decided to put in a de-



QUAKER GUARANTEE. . - - - QUAKER SPECIALTIES. PAINLESS EXTRACTION. Large and huxurious pariors. Lady Attendants in delivered at night, fitting perfectly, each and every department. Laboratory in a plane and severy department. Laboratory in a plane and facility. A large staff of Dental Specialists to insure prompt attention and SUCTION. made superior to any

Sets of Teeth (double suction) ... \$3 Bridge Work (per tooth) \$3
Gold Crowns \$3 Gold Filling \$1
Quaker Crown, Bridge and Plate Work Lasts a Lifetime. All Work Guaranteed.
HOURS: 9 A. M. to 8 P. M. Sundays 9 to 3. German Spoken.

QUAKER DENTAL SOCIETY

44 E.44th St. (near B'way, N.Y.) 171 Broadway (Cor. Cortlandt St.



\$3

soft, smooth finish of a fine kid. It is very dressy, takes a mirror polish, yet is one of the best possible leathers for wet-weather shoes. Made in button, blucher and the regular lace cut styles on a comfortable last.....

Blyn Shoes possess in marked degree the wearing qualities so important in economiwearing qualities so important in economical shoe buying. Blyn Shoes reflect the excellence of style and elegance of finish so important to careful dressers. Easy from the first, comfortable to the last—a long period of satisfactory service between.

The same moderate prices at all four For Men and Women, \$1.50 to \$4.00.

I.BLYN & SONS GUARANTEE SHOE CO.

of Useful and Beautiful

High-Grade Articles.

VISIT THEM.

6th Ave. and 27th Street Third Ave, & 122d Street. 609 8th Ave., 39th & 40th Sts. 162 Bowery, near Broome St. REACH:

401, 403, 405 E. 91st St.



RED STAR TRADING STAMP CO.

147 West 23d St. | 350 Alexander Av.,

Kext Door Proctor's Theatre.

sumed Before Referee.

Hearing of the charges of misconduct in office preferred against Herman Bolte, Justice of the Second Municipal Court, by District-Attorney Jerome as

case from Vice-Chancellor Pitney Evidence in the case has been largely prepared and submitted to Mr. Jerome Some time ago, McAlpin and others by Louis Lande, a young east side at Pitney for an order to show cause why by the East Side Civic Club to investia receiver should not be appointed for the Universal Tobacco Company. the Universal Tobacco Company. court. It seeks to prove that Justice
The order was granted, and during the Bolte is not a resident of Manhattan, hearing Vice-Chancellor Pitney ordered but of White Plains, and that he has the officers of the Universal Company permitted others than members of the bar to practise in his court.

20, Maurice B. Blun enthal, counsel for

OUR RULE

Perfect Work

Painless Process

Popular Prices

duction of a book in which was pasted every receipt he had received from Mr. Spellman for rent paid.

Miss Antoinette Nurser, Justice Boite's stenographer, described the apartments. She had often seen Mrs. Boite there. The Justice and Mrs. Boite went away last November and returned three weeks ago. She had visited the Boites in White Plains last summer. They stayed in the New Chambers sireet apartment.

NEW JERSEY WOMAN KILLED.

Miss Kate Amberg, of Trenton Mangled by Train at Asheville, ASHEVELLE, N. C., Nov. 6 .- The body Railway train near Buena Vista last night was identified to-day as that of Miss Kate Amberg, of Trenton, N. J., who had been staying with the family, of John A. Roebling of this city. The young woman left yesterday saying she was ill. She was not seen alive afterward. of a woman mangled by the Southern



unday World Wants Work Monday Morning Wonders.

We have arranged for To-morrow, Saturday, An Unusual Sale of 500 Women's New Winter Coats

Women's Coats

An assortment consisting of 150 coats, and over a dozen styles to select from, of Cheviots, Meltons and Broadcloths, in 30 to 40-inch lengths; sizes 32 to 40, at

\$25.00 each, values \$30 to \$35.

Women's Coats

of fancy cloths, Peau de Soie and Broadcloths, in a great variety of styles-many of them sample coats, at

> \$35.00 each, values \$40 to \$50. Women's Coats.

A most attractive variety in this assortment, comprising fine Evening and Reception Coats, also Elegant Street Coats including white, tan, champagne, black Broadcloths, beautifully trimmed, at

\$50.00 each, values \$65 to \$75. Our new carriage entrance on Fifth Avenue.

Lord & Taylor,

Broad way and Twentieth Street, and Fifth Avenne.

Store Open Saturday Nights Until 10 o'Clock.

The Store That Saves You Money. Entire Block Fulton, From Bridge to Duffield St. Brooklyn.

We Give "S. & H." Green Trading Stamps.

Men's \$15 Overcoats for \$10.00.

Exceptional Bargains for Young Men. Overcoats for young men, sizes 14 to 20, made and tailored to please the fastidious youth. A chance purchase enables us to offer this lot of 6.00

Specials for the Small Boy.

Boys' Double-Breasted Suits, sizes 6 to 16. Boys' Norfolk Suits, iot, 6 to 15.....

Boys' Heavy Serge Sailor Suits, pants full lined, handsomely embroidered; navy, royal, red or brown 3 to 10...... Boys' Raglan Frieze

Overcoats, cut full and long, a warm ser-viceable garment for sturdy boys; sizes 4, to 15 Boys' Russian Overcoats, sizes 3 to 8. A

good coat at a moderate price..... We sell the BEST PANTS made for Boys at...... 50c Flannel Waists and Blouses, neck band or with collar; blue or red; 59c



Boys' \$1.75 Shoes \$1.25.



Boys' School Shoes—Satin calf, creased vamps, heavy solid-leather soles, made for hard knocks and service; sizes 13 to 5½ 1.25 Misses' School Shoes-Made of box calf and vici kid, heavy stock solid-leather heavy soles, lace and button; 1.00 Women's Juliettes, for house wear,

Phonographs.

Edison Phonographs, \$10,00 to \$75,00; also sold on weekly payments.

Brass and tilack Horns, 1.55 Brass Horas, 24 in., large 1.69 der, vest and blad-Record Boxes, 24 peg, 35c.; 17c p added double-12 peg.
Repairing of all Machines at lowest prices. sizes, complete,

\$1.75 RUGBY SETS, \$1.25

hand turned, low heels, kid tips,

soft and flexible; sizes 1.00

Rugby Boys' 3-Piece Rugby Sets, consisting of a No. 3 Rugby, with guaranteed blad-

The Store Abounds With Great Values in All Kinds of Winter Goods.

Delicatessen.

We have added a Delicatessen Department to our Grocery Store—on the fifth floor. It is dainty and unique, and everything is of the very best quality.

Men's Suits and Overcoats.-24 P. \$11.74 for Men's Suits.

Single and Double-breasted models, made of black thibet and rough-faced cheviot, sewn with silk, cut and tailored in best manner, lined with mohair serge.

\$14.96 for Men's Suits.

Single and Double-breasted models, three and four button styles, lined with mohair or princess serge, sizes for regular, slim or stout men.

Better qualities at prices correspondingly low, ranging up to \$24.96.

\$12.96 for Men's Overcoats

Overcoats, made of Middlesex black kersey, heavy doublewarp mohair serge body lining, doubly-stitched raw edge seams, 44 inches long.

Better qualities at \$14.96, \$19.96, \$27.49 up to \$38.49 for Overcoats made of Carr's English Meltons, lined throughout with heavy merveilleux silk, that are sold elsewhere at \$45.00 and \$50.00.

Boys' Clothing.

Boys' Russian Overcoats, double-breasted model, made of gray frieze, two rows of gilt buttons or silk frogs down front, belted back, sizes 2½ to 8 years, \$2.82.

Boys' Reefers, made of heavy, pure Boys' Norfolk and Double-breasted wool navy and gray frieze, lined Two-piece Suits, made of heavy with red flannel, sizes 3 to 16 years, fancy cheviots, including extra pair trousers, \$3.69.

No matter how much more you may be asked to pay elsewhere, you'll not find richer Ready-made Clothing. It doesn't exist.

The Custom Tailoring Department meets your every need, and the prices are the reverse of extravagant.

Women's Underwear Floor. Men's Underwear. Floor.

Ribbed Vests, medium weight, long and short sleeves; Tights and Drawers to match, knee and

ankle length 46c Women's white merino Vests, medium weight, high neck and long sleeves; Drawers to match, ankle length, French bands...... 74c Women's Swiss ribbed merino Vests, low neck, sleeveless, neck and shoulders finished with crocheting 89c

Women's Swiss ribbed merino Vests, high neck and short sleeves, long sleeves \$1.19 Women's Swiss ribbed all wool Vests, high neck and short si \$1.59; long sleeves..... \$1.79 Women's Swiss silk and wool Vests, high neck, short sleeves, \$1.59; long sleeves \$1.89

Women's White and Natural Me-

rino Equestrian Tights, ankle

length 98c Women's white mercerized Equestrian Tights, ankle length \$1.19 Women's white and natural merino Tights, ankle length, \$1.59; knee length \$1.49 Women's white silk and wool Equestrian Tights, ankle length. \$1.69 Women's white and natural merino Rights, ankle length, \$1.89; knee length, white only..... \$1.79 Women's black merino Tights, ankl length \$1.59 Women's black Swiss merino Tights, ankle length, \$2.09; knee

Women's White Merino Shaped Men's Heavy Ribbed Balbriggan Combination Suits \$1.29

Men's extra-heavy Ribbed Brown Balbriggan Combination Suits, well fin-ished and perfect-fitting.....\$1.69 Men's Natural Merino Combination Suits, finished in best man

ner..... \$2.69 Men's Camel's Hair and Natural Wool Shirts, ribbed bottoms, pearl buttons; Drawers to match, with double gu sets and taped seams \$1.19

Men's White Australian Wool Shirts, heavy weight, ribbed bottoms; Draw-ers to match, finished with Jouble gussets, suspender tapes; all sizes up to 50 in.....\$1.24

Men's Natural Worsted Shirts, medium winter weight, single-breasted, \$1.49; double-breasted and doubleback extending to waist, \$1.69 Drawers to match \$1.49

Men's Natural Wool Health Shirts fine Australian yarn, ribbed bottoms \$1.88; double-breasted, \$2.19; Drawer to match...... \$1.88 Men's Natural Scotch Wool Shirts,

made of fine quality yarn, full-fashioned and regular made; Drawers to match, with extra spliced seats \$2.24

Men's Silk-and-Wool Shirts, full-fash-

ioned and regular made; Drawers to match—pink, blue and gray. \$3.69 Men's Silk-and-Wool Shirts, full-fashioned, finest quality Austrilian wool and silk; Drawers to match. \$6.19 Men's Pure Silk Shirts, made of best quality pure silk, full-fash-ioned; Drawers to match, with spliced-

seats \$7.98

You see, if Mary was twice as old as Ann was when Mary was as old-

HOW OLD IS ANN?

as Ann is now, twenty-four is the

length \$1.89



THE "MARY ANN PULZLE Mary is twenty-four years old. She is twice as old as Ann was when Mary was as old as Ann is now, are offered for sale every day.

twice as old as Ann was when she was as old as Ann is now, why twelve from twelve leaves nothing; which proves that Ann is not yet born but is liable to be at any minute.

It is really very simple. We will do it again.

A second-hand furniture store having a good trade is offered for \$800.

A partner with \$1,000 is wanted to go into a cigar manufacturing business.

It pays to read this column every day. It is the money maker's column.

given age, and she is twice as old as Ann, that makes forty-eight, and that being twelve years ago (or one-half of twenty-four) as already explained, why to-day she must be forty-eight plus twelve, or exactly sixty years old, so that Ann is really Mary's grandmother, and, being the sister of Mary, is consequently her own grandmother, and er-There seems to be a mistake somewhere, but anyway it is exceedingly simple. It is so simple that there

over it. Let us turn our attention to busi-For the man who has no business and wants one, or for the man who has one but wants a better one there is The World's "Business Opportunity" column. In this column scores of well-paying establishments The World this morning prints 25 "Business Opportunities" and "For

is no use in spending more time

How old is Ann?

Well. If Mary is twice as old as Sales."

Ann was, then Ann must have been half as old as Mary is, or twelve years old.

If Mary was twelve years old—

If Mary was twelve years old—

A second-hand furniture store having a good trade is offered for sales.